IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

Friday, the Twenty Ninth day of October, two thousand and four

Present:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24154 OF 2002

Between:

D.Sivaiah S/o Kotilingam, Hindu, 35 years, Driver, Staff No.515813, APSRTC., Kavali Depot, Nellore District, R/o Thallapalem village, Kavali Mandal, Nellore District.

…Petitioner

And

The Regional Manager, APSRTC., Nellore Region, Nellore District.

…Respondent

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declare the proceedings No.E1/684(1)/98-RM(N), dated 18-5-2002 and Proceedings No.E1/255(7)/2002-RM(NLR), dt.5-11-2002 of the respondent in placing the petitioner as a junior driver who recruited subsequently to the petitioner and the inaction on the part of the respondent in regularizing the service of the petitioner and further the action of the respondent in terminating the petitioner with effect from 15-11-2002 without any notice and without any proceedings amounts to illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondent to continue the petitioner as Driver Grade-II in APSRTC., Nellore Region, Nellore.

For the Petitioner: Mr.T.C.Krishnan, Advocate.

For the Respondent: Mr.R.Manmadha Reddy, S.C., for APSRTC.

The Court made the following :

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ORDER:

The petitioner questions the proceedings of the respondent dated 5-11-2002 in dis-engaging his services along with others.

It is contended that the respondent while continuing some of the juniors to the petitioner, the services of the petitioner and others were dis-engaged without any justification whatsoever.

This Court by order dated 3-12-2002 in W.P.M.P.No.30348 of 2002, directed the respondent to continue the petitioner as driver Grade-II if any of his juniors are continued.

The learned counsel appearing for the respondent submits that as and when there is a slack season, the services of the casual drivers were dis-engaged and during the season, their services were engaged depending upon the work load and the seniority of the

casual drivers has never been overlooked and therefore, it is incorrect to state that while utilizing the services of the juniors, the services of the senior casual drivers were dis-engaged.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of, directing the respondent not to dis-engage the services of the petitioner if any of his junior is engaged and also consider the case of the petitioner for regularization, strictly keeping in view of the seniority of the casual drivers. No costs.

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V.ESWARAIAH, J

Date: 29-10-2004.

Shr.

Asst.Registrar.

Copies to:-

1. The Regional Manager, APSRTC., Nellore Region, Nellore District.
2. Two CD copies.